



## APPLICATION FOR USE VARIANCE

Zoning Board of Adjustment  
Town of Fremont  
P.O. Box 120  
Fremont, New Hampshire 03044

To Board of Adjustment  
Town of Fremont, New Hampshire

Do not write in this space.

Case # \_\_\_\_\_

Date filed: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Total Fees Received: \_\_\_\_\_

Signed: \_\_\_\_\_

ZBA

Name of applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Owner: \_\_\_\_\_

(if same as applicant, write "SAME AS")

Location of property      Map # \_\_\_\_\_ Lot # \_\_\_\_\_

\_\_\_\_\_  
(street address)

**NOTE:** This application is not acceptable unless all required statements in the appropriate section have been completed. **Additional information may be supplied on a separate sheet if the space provided is inadequate.**

<b>APPLICATION FOR AN USE VARIANCE</b>
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A Use Variance is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the zoning ordinance to permit:

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**Facts supporting this request:**

1. The proposed use would not diminish surrounding property values because:

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2. Granting the variance would not be contrary to the public interest because:

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3. Denial of the variance would result in unnecessary hardship to the owner because:

a. the zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment such that: \_\_\_\_\_

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b. that no fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property because:

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c. the variance would not injure the public or private rights of others since:

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4. Granting the variance would do substantial justice because:

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5. The use is not contrary to the spirit of the ordinance because:

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Signed: \_\_\_\_\_ (Actual property owner)

**Town of Fremont  
Zoning Board of Adjustment  
PO Box 120  
Fremont NH 03044-0120**

**APPLICATION and PROCEDURE**

**PROCEDURE** – To apply to the Zoning Board of Adjustment for relief, you must follow these steps:

1. Obtain a letter of denial from the Board of Selectmen or Building Inspector.
2. Compile a typed list of the names and addresses of all current abutters. This is to be obtained from the Fremont Selectmen's Office. An abutter is anyone whose property physically abuts the subject property or is directly across a street or river. Please include the subject property, applicant, and anyone whose seal or stamp appears on the plan.
3. All requests for required reports or other correspondence (such as indicated in Article IX Section H) must be sent by the applicant via certified mail with return receipt requested. This is for proof and record of mailing. The hearing will not be scheduled before the 30 day time frame has lapsed from the date of mailing requests to pertinent officials.
4. Applications can be left at the Town Hall at 295 Main Street in Fremont; or Mailed to the Town at the address above. Submit a check made payable to the Town of Fremont with your application for the fees due.

**CHECKLIST FOR APPLICATION**

This Application Includes:

\_\_\_\_\_ Letter of Denial  
\_\_\_\_\_ 6 sets of plans  
\_\_\_\_\_ cover letter of intent  
\_\_\_\_\_ current abutters list  
\_\_\_\_\_ proper check amount  
\_\_\_\_\_ letter of approval to allow representation

**FEE SCHEDULE**

**VARIANCE**

**\$200.00 = \$ \_\_\_\_\_**

*For the first request, and \$50.00 for each additional request if a separate Zoning Article*

*For the first request, and \$50.00 for each additional request if a separate Zoning Article*

**ADVERTISING**

*(current rate of expense)*

**\$115.00 = \$ \_\_\_\_\_**

**ABUTTER NOTIFICATION (per abutter)**

**\$ 11.00 = \$ \_\_\_\_\_**

*(See (b) above for definitions of an abutter. This covers two certified mailings.)*

**TOTAL FEES SUBMITTED = \$ \_\_\_\_\_**

## **INSTRUCTIONS TO APPLICANTS APPEALING TO THE ZONING BOARD OF ADJUSTMENT**

### **USE VARIANCE**

The Board strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672-677 covering planning and zoning.

#### **USE VARIANCE**

A Variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the zoning ordinance.

If you are applying for a Variance, you must first have some form of determination that your proposed area is not permitted without a Variance. Most often this determination is a denial of a building permit and/or a letter of denial from the Selectmen.

For a Use Variance to be legally granted, you must show that your proposed use meets all of the following conditions:

1. The proposed use would not diminish surrounding property values.
  2. Granting the variance would not be contrary to the public interest.
  3. Denial of the variance would result in unnecessary hardship to the owner because:
    - a. The zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment.
    - b. that no fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property.
    - c. The variance would not injure the public or private rights of others.
  4. Granting the variance would do substantial justice.
  5. The use is not contrary to the spirit of the ordinance.
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